III. REMARKS

1. Claims 1-17 are pending.

2. Claims 1-17 are patentable under 35 USC 103(a) over the combination of Preston et al. (US 2002/0032853, "Preston"), Alden et al. (US 6,101,543, "Alden") and Olofsson et al. (US 6,647,265, "Olofsson"). Claim 1 recites in part entirely forming messages from the information to be transmitted without using information from other layers, by an application layer of a protocol stack of the first data transmission device, said entirely formed messages being different from said information to be transmitted and inserting said entirely formed messages into data fields of frames of a lower layer of said protocol stack. The combination of Preston, Alden and Olofsson does not disclosed or suggest inserting said entirely formed messages (each of which are formed in a single layer) into data fields of frames of a lower layer of said protocol stack as claimed.

It is noted that Preston does not disclose or suggest entirely forming messages from the information to be transmitted without using information from other layers as claimed in Applicant's claim 1. Paragraphs [0040]-[0042] of Preston describe the message formation process relative to sending node 120 of Fig. 1 of Preston. The description of the message formation is described without reference to which layers are used to form the message. Paragraph [0040] merely recites that the message 202 includes a message payload 204, a message header 206 (including a destination 208) and a message type field 210. These messages are formed in application layer 142 by applications 213 (Para. [0041]). The protocol manager 156 (which is located in the session layer 152) prepends additional information (such as protocol label 216) to the message. It is noted that paragraphs [0013] and [0036] of Preston are silent as to the message formation as recited in Applicant's claim 1. Thus, the message in Preston is formed in at least two layers 142, 152. Therefore, Preston cannot disclose or suggest entirely forming messages from the information to be transmitted without using information from other layers as claimed by Applicant.

The Examiner admits that Preston does not disclose inserting said entirely formed messages into data fields of frames of a lower layer of said protocol stack but asserts that this feature is disclosed at column 5, lines 15-27 of Alden. Column 5, lines 15-27 of Alden merely recites that data 11 to be transmitted from a sending process 13 to a receiving process 15 is passed down

through the protocol stack 10 of the sending process to the physical layer 9 for transmission on the data path 7 to the receiving process 15. As the data 11 is passed down through the protocol stack 10, each protocol layer prepends a header (and possibly also appends a trailer) portion to convey information used by that protocol layer. For example, the data link layer 16 of the sending process wraps the information received from the network layer 17 in a data link header 18 and a data link layer trailer 20 before the message is passed to the physical layer 9 for transmission on the actual transmission path 7. The Examiner points to "prepending of the headers" in Alden in support of the rejection. The term "prepend" is defined as "to attach to the beginning of data" as in a header being prepended to a network packet as in Alden (see http/www.pcmag.com/encyclopedia_term/0,2542,t=prepend&I=49641,00.asp attached hereto as "Exhibit A"). At best all that is disclosed in column 5, lines 15-27 is that each layer adds its own header to the data packet and nothing else. Each layer adding its own header to the data packet suggests that the message is not entirely formed in a single layer as is called for in Applicant's claim 1. There is simply nothing disclosed or suggested in column 5, lines 15-27 (or anywhere else) in Alden of inserting said entirely formed messages (that are formed in a single layer) into data fields of frames of a lower layer of said protocol stack.

Thus, the combination of Preston and Alden does not disclose or suggest inserting said entirely formed messages (each of which is formed in a single layer without using information from other layers) into data fields of frames of a lower layer of said protocol stack as recited in Applicant's claim 1. Combining Preston and Alden with Olofsson also fails to disclose this feature of claim 1 as well as Olofsson is silent as to this feature. Therefore, claim 1 is patentable over the combination of Preston, Alden and Olofsson. Claims 9 and 17 are patentable over the combination of Preston, Alden and Olofsson for reasons that are substantially similar to those described above with respect to claim 1. Claims 2-8 and 10-16 are patentable at least by reason of their respective dependencies.

Further, with respect to the rejection of claims 1,9 and 17, Applicant would also like to direct the Examiner to, for non-limiting exemplary purposes only, page 6, line 25 through page 7, line 17 of Applicant's specification to clarify any misunderstanding the Examiner may have with respect to what is being claimed in Applicant's claim 1. For example, this portion of Applicant's specification discloses that "the application A1 conducts the act of framing the information transmitted in the message to be transferred to the lower layers in the protocol stack advantageously by means of a message interpreter MMS. In the WAP application this means

that the frame FR1 of the application level is supplemented with header field H2 according to the WAP session layer WSP, as shown in Fig. 3. The frame FR1 of the of the application layer is placed in the data field D2 of the frame F[R]2 of the WAP session layer."

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Joseph V. Gamberdell, Jr.
Reg. No. 44,695

13 January 2010
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

APPENDIX A

Definition of: **prepend**

To attach to the beginning of data. For example, a header is "prepended" to a network packet. Although it sounds correct, prepend is not an English word. It was created to sound like the opposite of "append," which means to add to the end. The correct English word is "prefix;" for example, "the header is prefixed to the packet." See prefix.

RELATED TERMS:
prefix